

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Wendell Davenport,

Plaintiff,

vs.

Michael J. Astrue, Commissioner  
of Social Security,

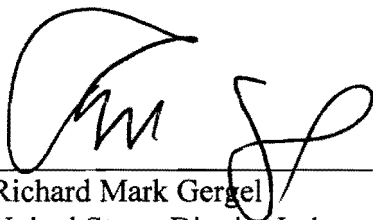
Defendant.

Civil Action No. 6:12-220-RMG

**ORDER**

This matter comes before the Court on the Report and Recommendation of the United States Magistrate Judge Kevin McDonald that the decision of the Commissioner be reversed and remanded. (Dkt. No. 21). No timely objections have been filed to this Report and Recommendation. This action involves an appeal from a decision of the Commissioner of Social Security denying Plaintiff disability benefits under the Social Security Act pursuant to 42 U.S.C. § 405(g). Subsequent to Plaintiff initiating this action in the District Court, the Commissioner moved for this Court to reverse his decision and to remand the matter to the Agency for further administrative proceedings. (Dkt. No. 17). The Court is advised that Plaintiff does not object to this motion. *Id.* The Court, having reviewed the Commissioner's motion for remand, the Report and Recommendation and the applicable statutory and case law, hereby **ADOPTS** the Report and Recommendation as the decision of this Court. The decision of the Commissioner is hereby **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

AND IT IS SO ORDERED.



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Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
November 7, 2012